REMARKS/ARGUMENTS

In the Final Office Action, claims 1-16 were pending, claim 17 was withdrawn, claims 1, 2, 5-8 and 10-16 were rejected and claims 3, 4 and 9 were objected to. No claims have been added, amended, or cancelled. Therefore, claims 1-16 are presented for examination.

Applicants wish to thank the Examiner for the careful examination, and for finding claims 3, 4, and 9 allowable.

Claim rejections under 35 USC §102(b)

Claims 10, 11 and 16 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent 6,246,871 to Ala-Laurila.

The Examiner states that:

> Ala-Laurila discloses a server (fig. 1, item 30) including a network message storage for providing storage of voice and text messages which are multimedia messages (col.3, lines 13-16). Therefore, the server is the claimed multi-media messaging center (MMSC). Ala-Laurila further discloses after receiving the voice or text message, the intended recipients are alerted/notified about the message and in response to the notification the recipient uses phone number to access the server (fig.1,2; col.4, lines 18-46). This "access" is the claimed response.

Applicants respectfully disagree with the terminology being used by the Examiner. The Examiner suggests that the "access" by the recipient to retrieve the message is equivalent to the "a response directed to multi-media messaging service center (MMSC) in response to a notification/message by a third party originator to a recipient are managed without triggering error messages in the MMSC." Applicant respectfully disagrees.

Firstly, there is absolutely no suggestion in Ala-Laurila that the access has any connection to error messages. Secondly, there is no "response directed to

Application No.: 10/808,886   - 2 -   006783.P054

the MMSC" in Ala-Laurila. As defined in the Specification, the "response 160 from the designated recipient 140 acknowledges the notification 150, and may indicate the handset type and user ID. However, the response 160 is an atomic message, automatically sent to a pre-programmed MMSC 120 location." (Specification, paragraph 16). This is completely unrelated to the concept of "response" in Ala-Laurila, which is not a response to acknowledge a notification, nor an atomic message, but rather a manual action by a user to retrieve a message. Since Applicant is permitted to be his own lexicographer, Applicant respectfully submits that as defined in the Specification, the term "response" has a specific meaning for the purposes of interpreting these claims. Therefore, although the same term (response) is used, Applicant respectfully submits that claim 10, and claims 11 and 16 which depend on it, are not anticipated by Ala-Laurila.

Claim rejections under 35 USC §103(a)

Claims 1 and 7 were rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of U.S. Patent No. 5,751,791 to Chen, et al. (hereinafter "Chen").

The Examiner notes that Ala-Laurila does not teach or suggest sending a notification/message of a multimedia message. The Examiner depends on Chen for this feature.

Chen discusses videoconferencing systems which enable the user to leave voicemail messages including multi-media features (i.e. video). However, the system of Chen is concerned with conventional messaging systems. Therefore,

Application No.: 10/808,886   - 3 -   006783.P054

unlike in MMSC systems, the system of Chen does not have any notification acknowledgements.

Ala-Laurila does not teach or suggest "a message handler to manage a response sent by the recipient to the MMSC." As defined by the Applicant in the Specification the "response 160 from the designated recipient 140 acknowledges the notification 150, and may indicate the handset type and user ID. However, the response 160 is an atomic message, automatically sent to a pre-programmed MMSC 120 location." (Specification, paragraph 16). This is completely unrelated to the concept of "response" in Ala-Laurila, which is not a response to acknowledge a notification, nor an atomic message, but rather a manual action by a user to retrieve a message. Therefore, Applicant respectfully submits that claim 1 is not obvious over the combination of Ala-Laurila and Chen.

Claim 2 was rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of Chen further in view of U.S. Publication No. 2004/0123144 to Chan, et al. (hereinafter "Chan"). Chan describes a single-sign-on functionality with applications that require user/client authentication using form documents. (Chan, Abstract). Chan is not at all concerned with multi-media messaging, and thus with notification acknowledgement responses.

Firstly, Applicant respectfully submits that Chan is from a non-analogous art. Multi-media messaging, and more particularly SMS and MMS messages have no relationship to single sign-on or user authentication. Both SMS and MMS depend on a defined protocol to enable mobile system users to send messages. One of skill in the art in messaging would not look to authentication. Therefore,

Applicant respectfully submits that the rejections over Ala-Laurila, Chen, and Chan should be withdrawn.

As noted above, neither Ala-Laurila nor Chen teach or suggest a message handler to handle a response sent by the recipient. Since Chan does not address message handling at all, it does not remedy this shortcoming of Ala-Laurila and Chen. Therefore, claim 2 is not obvious over Ala-Laurila, in view of Chen, further in view of Chan.

Claims 5 and 6 were rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of Chen further in view of U.S. Patent No. 6,393,407 to Middleton, III, et al. (hereinafter "Middleton").

Middleton is focused on tracking user micro-interactions with web page advertising. (Middleton, Abstract).

Firstly, Applicant respectfully submits that Middleton is from a non-analogous art. Multi-media messaging, and more particularly SMS and MMS messages have no relationship to web page advertising, or advertising tracking through a browser. Both SMS and MMS depend on a defined protocol to enable mobile system users to send messages. One of skill in the art in messaging would not look to advertising/tracking. Therefore, Applicant respectfully submits that the rejections over Ala-Laurila, Chen, and Middleton should be withdrawn.

Furthermore, even in combination, Ala-Laurila, Chen, and Middleton do not make the claims of the present invention obvious. As noted above, neither Ala-Laurila nor Chen teach or suggest a message handler to handle a response sent by the recipient. Since Middleton does not address message handling at all, it

does not remedy this shortcoming of Ala-Laurila and Chen. Therefore, claim 2 is not obvious over Ala-Laurila, in view of Chen, further in view of Middleton.

Claim 12 was rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of Chan.

As noted above, firstly, Applicant suggests that Chan is non-analogous art, and therefore cannot be logically combined with Ala-Laurila.

Secondly, even in combination, claim 12, which depends on claim 10, is not obvious over Ala-Laurila in view of Chan. As noted above, Ala-Laurila does not